

**CLARK COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES**

**STAFF ANALYSIS  
& RECOMMENDATION**

**HEARING DATE:**  
November 12, 2009

**DEVELOPMENT NAME:**  
**Gustafson Subdivision**

**CASE NUMBERS:**  
PLD2009-00033, SEP2009-00058



# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



**Project Name:** GUSTAFSON SUBDIVISION

**Case Numbers:** PLD2009-00033; SEP2009-00058

**Location:** East side of NE 152<sup>nd</sup> Avenue approximately 300 feet north of NE 102<sup>nd</sup> Way.

**Request:** The applicant is requesting to subdivide 20 acres into 113 lots located in the Single-family Residential (R1-6) zone.

**Applicant:** MSE Planning & Engineering, Inc.  
Attn: Samuel Moss  
16105 NE 89<sup>th</sup> Street  
Vancouver, WA 98682  
(360)883-0686; (866)652-4063 fax  
e-mail: Samuel@msepe.com

**Contact Person:** Same as Applicant

**Property Owners:** 152<sup>nd</sup> Investors LLC  
15700 NW 31<sup>st</sup> Court  
Vancouver, WA 98665

## **RECOMMENDATION**

### **Approval, subject to Conditions**

**Team Leader's Initials:** MS **Date Issued:** October 28, 2009

**Public Hearing Date:** November 12, 2009

### **County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone</u></b> (360) 397- 2375 Ext.	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
<b>Engineer:</b> (Trans. & Stormwater)	David Bottamini PE	4881	David.bottamini@clark.wa.gov

	<u>Name</u>	<u>Phone</u> (360) 397- 2375 Ext.	<u>E-mail Address</u>
<b>Engineer:</b> (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
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<b>Engineering Supervisor:</b> (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
<b>Fire Marshal:</b>	Tom Scott	3323	Tom.scott@clark.wa.gov

**Comp Plan Designation:** Urban Low Density Residential

**Parcel Number(s):** Tax lot 9 (200539) located in the SW ¼ of Section 36, Township 3 North, Range 2 East of the Willamette Meridian.

**Applicable Laws:**

Clark County Code 15.12 (Fire Prevention); 40.220.010 (Single-Family Residential Districts); 40.350 (Transportation); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.010 (Legal Lot Determination); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

**Neighborhood Association/Contact:**

Greater Brush Prairie Neighborhood Association  
Sam Kim, President  
14915 NE 126<sup>th</sup> Ave  
Brush Prairie, WA 98606,  
(360)896-7119  
E-mail: brushprairie@comcast.net

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 26, 2009. The pre-application was determined to be contingently vested as of March 5, 2009, the date the pre-application was submitted.

The fully complete application was submitted on August 8, 2009, and determined to be fully complete on August 20, 2008. Given these facts the application is vested on March 5, 2009.

**Time Limits:**

The application was determined to be fully complete on August 20, 2009 (see Exhibit #9). Therefore, the County Code requirement for issuing a decision within 92 days lapses on November 20, 2009. The State requirement for issuing a decision within 120 calendar days lapses on December 18, 2009.

**Public Notice:**

Notice of application and public hearing was mailed to the applicant, the Greater Brush Prairie Neighborhood Association, and owners of property located within 300 feet of the site on September 4, 2009. One sign was posted on the subject property and two within the vicinity on October 28, 2009.

**Public Comments:**

In response to the public notice, the county received three comment letters, as follows:

1. Received on September 4, 2009 from Southwest Clean Air Agency (Exhibit #12). The SWCAA letter cites asbestos inspection regulations that apply to demolition or renovation of existing structures. It also states that construction activities have the potential to generate dust nuisances, which are prohibited. Dust abatement measures must be employed as necessary during construction. An Air Discharge Permit is required for any proposed installation of modification that creates any new or increased source of air contaminates.

Staff Response

The proposal does not involve demolition of any structures. Dust abatement measures are required during construction. The applicant has been provided with a copy of the SWCAA letter and is separately responsible for compliance with any agency requirements. Compliance with the county's Stormwater and Erosion Control Ordinance will mitigate or prevent impacts from dust.

2. Received on September 16, 2009 from Tim and Melody McGregor, 15503 NE 103<sup>rd</sup> Drive (Exhibit #13). The McGregors, whose residential lot abuts the site on the south near the southeast corner request that the development limit the number of fir trees removed from the row along the east site boundary, due to their aesthetic and environmental benefits.

Staff Response

Staff concurs with the McGregors that the trees should be preserved to the greatest extent possible. The applicant fails to acknowledge or address the existence of the row of fir trees. The extension of the street system to the east will require some minimal removal of trees. There is some question whether or not the trees will be located within the subdivision boundaries (refer to Finding 2 below).

3. Received on September 21, 2009 from the Washington Department of Ecology (Exhibit #14). The DOE letter states that, if contamination is discovered at the site during development, it must be reported to Ecology's Southwest Regional Office.

The letter also cites state water quality regulations and states that erosion control measures must be in place prior to any clearing, grading, or construction. It cites recommended measures to prevent contamination of surface water by erosion and sediment-laden runoff. It also advises that construction debris shall not cause water quality degradation and provides guidelines for identifying clearing limits, stabilizing denuded areas, and preventing tracking of sediment by construction vehicles. An NPDES permit is required if the project will disturb one or more acres of soil surface area and discharge stormwater to surface waters or a storm sewer. The letter provides contact and application information.

#### Staff Response

The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county Stormwater and Erosion Control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction of the subdivision.

### **Project Overview**

The site is a vacant 20 acre parcel proposed to be developed into a 113 lot subdivision with a network of internal access roads and small tract for underground stormwater treatment and control facilities. The development is to be constructed in three phases.

The property is flat and grass covered. A single mature walnut tree located near the west site boundary is proposed to be retained. A row of mature fir trees exists along the west site boundary.

The site is bounded on the west by NE 152<sup>nd</sup> Avenue, a collector. All lots will access the internal streets. The internal street network will connect to NE 152<sup>nd</sup> Street on the west and with an existing stub of NE 105<sup>th</sup> Street on the east. The network will also be stubbed to the north boundary for circulation and connection to a future subdivision proposed for the northerly-abutting parcel.

The northerly-abutting parcel currently contains a farmstead. Abutting the site on the east are 1 ½ - 2 acre parcels in the Nehalem and Nehalem-2 subdivisions. South of the site is Misty Meadows Estates subdivision with lots averaging approximately 10,000 square feet. West of the site across 152<sup>nd</sup> Avenue is a 70 acre parcel containing a farmstead.

The site is located within the Battle Ground School District, Fire District #5, and Park District #5.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	Single-Family Residential (R1-6)	Vacant
North	Urban Low Density Residential	Single-Family Residential (R1-6)	Agriculture/ Residential
West	Employment Center	Office Campus (OC)	Agriculture/ Residential
South	Urban Low Density Residential	Single-Family Residential (R1-10)	Residential
East	Urban Low Density Residential	Single-Family Residential (R1-10)	Residential

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

### LAND USE:

#### Finding 1 Development Standards

Table 40.220.010-2 contains the lot standards for the R1-6 zone. The minimum average lot area allowed is 6,000 square feet. Based on the individual lot areas identified on the preliminary plan, the average lot area of the proposal is only 5,989 square feet, which does not meet the minimum. Therefore, the plat must be amended to reduce the proposal by at least one lot. (see Condition D-1)

The minimum lot width and depth are 50 feet and 90 feet, respectively. Based on the lot dimension figures provided on the preliminary plat, the proposed lots meet the R1-6 dimensional standards.

The applicable setbacks for single-family detached dwellings in the R1-6 zone, in accordance with Table 40.220.010-3, are as follows:

- Front – 20 feet
- Street side – 10 feet
- Side – 5 feet
- Rear – 5 feet

The maximum lot coverage is 50% and the maximum building height is 35 feet.

Compliance with setbacks, lot coverage, and building height standards will be reviewed in conjunction with the future building permit for each lot.

#### Finding 2     Plat Boundaries

The applicant's existing conditions survey (Exhibit #6, Tab 7) identifies some discrepancies between the surveyed parcel boundaries and some existing fence lines. In order to prevent plat boundaries from being contested by neighboring property owners through adverse possession claims after a plat is recorded (requiring a plat alteration), it is the county's policy to address these discrepancies at the time of preliminary plat review. Fence encroachments within plat boundaries may be resolved by one of the following means:

- The owner of the property being platted may deed the area beyond the fence to the neighboring property owner through a boundary line adjustment/quit claim deed.
- Record a document signed by the other property owners stating that they recognize that it is not their property and will not attempt to take that property through an adverse possession claim.
- If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the fence or other encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and only after the other options fail. A plat alteration process could still be required if platted property is lost.

A fence encroachment along the south property boundary is already resolved by the fact that the southerly-abutting property has been platted to the surveyed property boundary.

The applicant states in his narrative, with regard to the fence encroachment along the north property boundary, that "both developing parties have agreed to the legal description rather than the fence line." The applicant needs to provide a binding agreement between the property owners to that effect.



The fence encroachment along the east property boundary has not been addressed by the applicant. (see Condition B-1)

#### Finding 3     Phasing

The applicant proposes to construct the development in three phases, as depicted by the phase lines shown on the preliminary plat.

In accordance with CCC 40.540.040(D)(4), each phase must be an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision. This code section also requires that all road improvement requirements are assured.

Therefore, the phasing plan needs to include adequate infrastructure (such as streets, access, circulation, stormwater facilities, and utilities) to support it in its place in the sequence of construction. (see Conditions A-2.e. & A-5.d.)

Based on the foregoing discussion, staff finds that the first phase of construction needs to include the entire frontage improvements for NE 152<sup>nd</sup> Avenue because the development's impacts to 152<sup>nd</sup> Avenue will occur with the first phase of development. (see Condition A-1.a.)

As a phased development, the approval of this application will be eligible for extensions of the expiration date in accordance with the criteria in CCC 40.500.010(B)(2). (see Condition G-1)

#### Finding 4     Landscaping

A 5-foot landscape buffer with landscaping meeting the L-1 standard is required along the west plat boundary in accordance with CCC Table 40.320.010-1, due to the Office Campus (OC) zoning on the adjacent parcel to the west.

Additionally, landscape plantings are also required in a planting strip within the right-of-way of NE 152<sup>nd</sup> Avenue along the site frontage, in accordance with CCC 40.320.020, because 152<sup>nd</sup> Avenue is a Collector street.

The two requirements above are separate standards – one in the right-of-way, the other on the private property. The applicant's preliminary plan proposes the required plantings within the right-of-way; however it does not show the required landscape buffer, which must be within the parcel boundaries in accordance with CCC 40.320.010(C)(6). (see Condition A-6.a.)

Because the required buffer will be located within the lot lines of Lots 1-5 & 60-62, a covenant is warranted requiring the owners of those lots to maintain the buffer. (see Conditions D-2 & C-1)

#### **Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions referenced above, meets the land use requirements of the Clark County Code.

## **ARCHAEOLOGY:**

### **Finding 5 Archaeological Predetermination**

Much of the property is designated on the county archaeological predictive model maps as having a Moderate to High (40-100%) probability for containing artifacts, and archaeological site buffers extend onto the property. The proposal has high ground disturbance impacts. Therefore, in accordance with CCC Table 40.570.080-1, an archaeological predetermination was required.

The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (see Condition A-1.b.)

### **Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to the condition referenced above, meets the archaeology requirements of the Clark County Code.

## **TRANSPORTATION:**

### **Finding 6 Pedestrian/bicycle Circulation**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of CCC 40.350.010. The proposal meets the pedestrian circulation code.

### **Finding 7 Road Circulation**

The proposal includes circulation to the east to existing Nehalem Subdivision and to the north to proposed Pacific Oaks Subdivision (PLD2009-00023). Circulation to the south is not feasible due to the existence of Misty Meadow Estates. The project complies with the circulation plan requirements, CCC 40.350.030(B)(2).

### **Finding 8 Roads**

NE 152<sup>nd</sup> Avenue is classified as an "Urban Collector" (C-2). The required minimum frontage improvements include 30 feet of half-width right-of-way, 19 feet of paved half-width, curb, and detached 6-foot sidewalk. It appears the applicant has proposed the required frontage improvements.

Per Table 40.350.030-2, the intersection curb return radii at the approach to NE 152<sup>nd</sup> Avenue shall be at least 35 feet with a minimum 25-foot right-of-way (or easement) chord. The proposed curb return radii do not meet the minimum requirement. (see Condition A-2.a.)

The applicant has submitted a proposal for a roundabout at the entrance of the subdivision. The proposal has not indicated how traffic movements will function and has not submitted a required road modification. (see Condition A-2.b.)

The proposed on-site public roads are required to be consistent with standard detail #14. The minimum standards associated with an "Urban Local Residential Access" road include 46 feet of right-of-way, 28 feet of paved width, sidewalks, curbs, and gutters. The preliminary plat proposes on-site public roads that meet the minimum improvement requirements.

Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall have a minimum separation of 50 feet from the intersecting property lines, or, where this is impractical, the driveway may be located 5 feet from the property line farthest away from the intersection, or as a joint use driveway at this property line. (see Condition A-2.c.)

#### Finding 9 Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance at all proposed driveway approaches and intersections.

The applicant submitted a sight distance analysis dated July 25th, 2009, which analyzed sight distances at the site access to NE 152<sup>nd</sup> Avenue. The applicant shall also provide sight distance analysis for the intersections of NE 105<sup>th</sup> Street & NE 157<sup>th</sup> Avenue and NE 99<sup>th</sup> Street & NE 157<sup>th</sup> Avenue because the traffic study assigns trips through those intersections, as well. (see Condition A-2.d.)

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions referenced above, meets the transportation requirements of the Clark County Code.

#### **TRANSPORTATION CONCURRENCY:**

#### Finding 10 Trip Generation

The applicant has submitted a traffic study that indicates that the proposed Gustafson Subdivision will consist of 113 detached single family lots. The applicant's traffic study also estimates the weekday a.m. peak-hour trip generation at 85 new trips, while the p.m. peak-hour trip generation is estimated at 114 new trips, using nationally accepted data published by the Institute of Transportation Engineers.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020(D)(1). The site is located on the east side of NE 152<sup>nd</sup> Avenue approximately 300 feet north of NE 102<sup>nd</sup> Way in Vancouver.

#### Finding 11 Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition

would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency level of service (LOS) standards are not applicable to site accesses or intersections that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study shows that there is an east/west road proposed that will be constructed to serve this development. This east/west road will extend from NE 152<sup>nd</sup> Avenue into the development and will serve as the primary ingress/egress for the proposed development.

The traffic study indicates that the proposed intersection of NE 152<sup>nd</sup> Avenue and the site access will have an estimated LOS C, or better, through the 2012 build-out horizon. County staff concurs with the traffic study findings.

#### Finding 12 Concurrency

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the county's transportation model is used to determine what urban area developments are currently being reviewed, approved, or is under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as *"in-process traffic"* and will ultimately contribute to the same roadway facilities as the proposed development. This *"in-process traffic"* is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The *"in-process traffic"* information that can be obtained from the county's transportation model is from developments that generate 10 vehicle trips or more (10, or more, single family lots) in the PM peak hour travel time. Developments, in an urban area that have fewer than 10 vehicle trips (less than 10 single family lots) in the PM peak hour travel time do not explicitly get shown in the county's model, but are accounted for in a *"background growth rate"* (1% per year). This *"background growth rate"* is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

#### Signalized Intersections

The applicant's study shows the two-mile radius study area, which included regionally significant signalized intersections. The county's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, county staff has determined that this development will comply with adopted concurrency standards for signalized intersections.

### Unsignalized Intersections

The county has modeled the unsignalized intersections of regional significance in the development area. The model yielded operating levels, travel speed and delay standards, during the pm peak hours with a LOS better than the minimum allowable LOS E with the exception of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street.

### NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street

The intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street will operate at a LOS E in the 2012 Concurrency horizon and is anticipated to meet signal warrants, thereby creating a concurrency failure, with the failing approach in the eastbound direction. The applicant's traffic study indicates that there are vehicle trips assigned to the failing approach in the NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street intersection.

The applicant has submitted a letter volunteering mitigation at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street (Exhibit #17). This mitigation has been proposed to offset the impacts of the Gustafson Subdivision development. Concurrency staff has reviewed the proposed mitigation and concurs with the applicant's recommendation of a separate eastbound right-turn lane on NE 99<sup>th</sup> Street at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street.

The applicant shall construct/install an eastbound right-turn lane on NE 99<sup>th</sup> Street at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street to offset the transportation impacts of the proposed Gustafson Subdivision development. The construction shall include:

- A 75-foot long, 12-foot wide eastbound right-turn lane with a taper in accordance with the MUTCD; and,
- Related signing and striping associated with the volunteered improvement.

These mitigations should be constructed and operational prior to occupancy of any building. (see Conditions A-3.a, E-1, & F-1)

Based on the findings and mitigation volunteered by the applicant, staff has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

### Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the county's model of the study corridors of regional significance under County Jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

### Summary

The county has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under county jurisdiction with required mitigations as outlined above.

The county incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model. (see Condition A-3.b.)

### Finding 13 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

### Finding 14 Traffic Signal Warrants

The applicant's traffic study analyzed the intersection of NE 152<sup>nd</sup> Avenue and the site access for signal warrants. The applicant's study concluded that signal warrants were not met for this intersection, based on acceptable levels-of-service. Staff concurs with the applicant's findings. Therefore, no further analysis is required.

### Finding 15 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The submitted traffic study analyzed left turn lane warrants at the site access. The study determined that a left turn lane was not warranted at the site access due to low left turning volumes. Staff concurs with the applicant's findings.

The applicant's study also analyzed the site access on NE 152<sup>nd</sup> Avenue for right turn lane warrants. The study indicated that a right turn pocket, or taper should be considered. Because of this the applicant's study evaluated the need for a right turn pocket or taper using the Washington State Department of Transportation (WSDOT) Design Manual right turn guidelines. The applicant's study presented the following findings of fact:

- Accident history, along the site frontage, for the most recent 5 year period does not exceed thresholds that would warrant further analysis;
- Sight distance at the site driveway is over 500 feet in the north and south directions;
- The proposed site access geometrics would not require vehicles to slow greatly below the speed of the through vehicles; and,
- There will be a good LOS at the site access for vehicles entering from the north or south.

Based on the guidelines for creating right-turn lanes and lack of crash history that would be indicative of safety issues at the proposed site access, county staff agrees with the traffic study findings. Therefore, staff believes that construction of a

northbound right-turn pocket, or taper would not be necessary to accommodate trips generated by the proposed development.

#### Finding 16 Historical Accident Situation

The applicant's traffic study analyzed the accident history obtained from Clark County and WSDOT. The accident history covered a time period between 2003 and 2008. The traffic study determined that the accident rates for the study intersections, in the vicinity of the development, do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant's findings; therefore, no further analysis is required.

#### **Conclusion (Concurrency):**

In summary, staff recommends approval of the development application, as proposed, subject to the conditions of approval referenced above.

#### **STORMWATER:**

#### Finding 17 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in section 40.380.030.

This project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

#### Finding 18 Stormwater Proposal

The applicant proposes to utilize a public StormFilter (Contech Stormwater Solutions) and a public infiltration system. The applicant indicates individual private infiltration systems will be utilized on each proposed lot. Infiltration rates were measured to be 200 inches per hour and the design infiltration rate is 100 inches per hour.

#### Finding 19 Site Conditions and Stormwater Issues

The applicant has not committed to a proposed stormwater quality best management practice. If the applicant decides to propose a water quality facility other than a StormFilter, a post decision application will be required. (see Condition A-5.a.)

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be a minimum of three

feet above the seasonal high water or an impermeable soil layer, per CCC 40.380.040(C)(3)(c). (see Condition A-5.b.)

During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed. (see Condition C-2)

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches. Clark County isopluvial maps indicate the precipitation depths are closer to 4.8 inches, 3.5 inches, and 2.5 inches that are to be used for the 100-year, 10-year, and 2-year storms, respectively. It is anticipated that the water quantity control facility will need to increase in size to accommodate the larger storm events. (see Condition A-5.c.)

**Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions referenced above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**FIRE PROTECTION:**

**Finding 20 Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

**Finding 21 Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

**Finding 22 Fire Flow**

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,000 gpm.

**Finding 23 Fire Hydrants**

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.



Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. (see Condition A-9)

**Finding 24 Fire Access and Maneuvering**

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Transportation Standards. (see Condition A-2)

Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

**Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions referenced above, meets the fire protection requirements of the Clark County Code.

**WATER & SEWER SERVICE:**

**Finding 25 Utilities**

In accordance with CCC 40.370.010(D), the new lots are required to be connected to public water and sewer. The site is within the City of Vancouver service area for public water and sewer service. The applicant submitted current utility reviews from the city confirming that services are available to the site, and describing the connection requirements.

Prior to final plat approval, the applicant shall provide documentation from the city that water and sewer connections to the new lots have been installed and approved. (see Condition D-3)

**Finding 26 Health Department**

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition A-10)

## IMPACT FEES:

### Finding 27 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is within:

- Evergreen School District, with a SIF of \$6,818.00 per dwelling
- Park District #5, with a PIF of \$1,799.00 per dwelling (\$1,359 for park acquisition / \$440 for park development).
- North Orchards subarea with a TIF of \$5,539.60 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions D-4.c. & E-1)

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### Determination:

**Determination of Non-Significance (DNS).** As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review. This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 4, 2009 is hereby final.

### **SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

- a. The case number designated by the County and the name of the applicant;
- b. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
- c. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal cannot be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Alan Boguslawski, Planner II  
(360) 397-2375 ext 4921

**Responsible Official:** Michael V. Butts

**Public Service Center  
Community Development Department  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.clark.wa.gov>**

## RECOMMENDATION

Based upon the proposed plan (identified as Exhibit #5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## Conditions of Approval

### **A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Construction Plan** – The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. The phasing plan shall be amended to include construction of frontage improvements for the entire site frontage of NE 152<sup>nd</sup> Avenue in the first phase of construction. (see Finding 3)
  - b. Archaeology - A note shall be placed on the face of the final construction plan as follows:  
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."  
(see Finding 5)
- A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. Per table 40.350.030-2, the proposed intersection curb return radii at the approach to NE 152<sup>nd</sup> Avenue shall be at least 35 feet with a minimum 25-foot right-of-way (or easement) chord. (see Finding 8)

- b. The proposed roundabout shall be redesigned such that it becomes a standard intersection allowed by code that allows for required traffic queuing and movements. Approval of the proposed roundabout would require a design road modification and a post decision review. (see Finding 8)
- c. Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall have a minimum separation of 50 feet from the intersecting property lines, or, where this is impractical, the driveway may be located 5 feet from the property line farthest away from the intersection, or as a joint use driveway at this property line. (see Finding 8)
- d. The proposal shall meet the sight distance requirements in accordance with the provisions of CCC 40.350.030(B)(8). The applicant shall provide a sight distance analysis for the intersections of NE 105<sup>th</sup> Street & NE 157<sup>th</sup> Avenue and NE 99<sup>th</sup> Street & NE 157<sup>th</sup> Avenue. (see Finding 9)
- e. The applicant is responsible for providing all necessary transportation improvements required for each individual phase, including temporary turnarounds. (see Finding 3)

**A-3 Final Transportation Plan/Off Site (Concurrency):**

- a. The applicant shall submit a signing and striping design for review and approval to the Public Works Transportation Division. This design shall show signing and striping and all related features for required frontage and offsite road improvements. The offsite road improvements should include signing and striping for an eastbound right-turn lane, on NE 99<sup>th</sup> Street, at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street. The applicant shall obtain a Work Order with Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development and any offsite road improvements. (see Finding 12)
- b. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. (see Finding 12)

**A-4 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-5 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. If the applicant decides to propose a water quality facility other than a StormFilter, a post decision application will be required. (see Finding 19)
- b. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). (see Finding 19)
- c. Clark County isopluvial maps indicate the precipitation depths are closer to 4.8 inches, 3.5 inches, and 2.5 inches that are to be used for the 100-year, 10-year, and 2-year storms, respectively. (see Finding 19)
- d. Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380. (see Finding 3)

**A-6 Final Landscape Plan** - The applicant shall submit and obtain county approval of a final landscape plan consistent with the approved preliminary landscape plan in accordance with CCC 40.320 and the following conditions of approval:

- a. The final landscape plan shall provide a 5-foot landscape buffer along the inside of the west plat boundary with landscape plantings meeting the L1 standard, in accordance with CCC 40.320.010(B)(1). (see Finding 4)

**A-7 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

**A-8 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-9 Fire Marshal Requirements** (see Finding 23):

- a. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval.

- A-10 Health Department Review** - Submittal of a “Health Department Project Evaluation Letter” is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (see Finding 26)

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

- B-1** The applicant shall provide acceptable documentation to Development Services planning staff verifying that the fence encroachments along the north and east property boundaries have been resolved by one of the following means:
- The owner of the property being platted may deed the area beyond the fence to the neighboring property owner through a boundary line adjustment/quit claim deed.
  - Record a document signed by the other property owners stating that they recognize that it is not their property and will not attempt to take that property through an adverse possession claim.
  - If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the fence or other encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and only after the other options fail. A plat alteration process could still be required if platted property is lost.
- (see Finding 2)
- B-2 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 Verification of the Installation of Required Landscape** – The applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved final landscape plan. (see Finding 4)
- C-2 Stormwater** – The installation of infiltration systems shall be observed and documented by an engineer licensed in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (See Finding 19)

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Average Lot Area** – The plat shall be amended to reduce the number of proposed lots by one (1), or otherwise amended as necessary to comply with the minimum average lot area standard of 6,000 square feet. (see Finding 1)
- D-2 Landscape Covenant** – A covenant binding on Lots 1-5 & 60-62 shall be recorded with the final plat, requiring the owners of said lots to maintain landscape plantings in accordance with the approved final landscape plan within their portion of the required 5-foot landscape buffer. (see finding 4)
- D-3 Utilities** – Prior to final plat approval, water and sewer connections shall be installed by the developer and approved by the City of Vancouver. (see Finding 25)
- D-4 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
  - c. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$6,818.00 (Evergreen School District), \$1,799.00 (\$1,359 - Acquisition; \$440 - Development for Park District #5), and \$5,539.60 (North Orchards TIF Subarea), respectively."



The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 27)

**D-5 Plat Notes** - The following notes shall be placed on the final plat:

- a. Mobile Homes: "In accordance with the provisions of CCC 40.260.130, mobile homes are prohibited on the lots in this plat."
- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. Driveways: "No direct access is allowed to NE 152<sup>nd</sup> Avenue from any lot in this plat."
- g. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_."

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Transportation (Concurrency)** – The applicant shall submit the construction drawings for the separate eastbound left and right-turn lanes on NE 99<sup>th</sup> Street at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street for review and approval. The construction drawings shall include a 75-foot long, 12-foot wide eastbound right-turn lane with a taper, in accordance with the MUTCD, and related signing and striping associated with the volunteered improvement. (see Finding 12)

**E-2 Impact Fees** – The applicant shall pay impact fees as follows:

- a. \$6,818.00 per dwelling for School Impact Fees (Evergreen School Dist.)
- b. \$1,799.00 per dwelling for Park Impact Fees (\$1,359 – Acquisition; \$440 – Development for Park District #5)
- c. \$5,539.60 per dwelling for Traffic Impact Fees (North Orchards TIF Subarea)

If the building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 27)

<b>F</b>	<b>Occupancy Permits</b>
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	<b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Transportation (Concurrency)** – The applicant shall construct separate eastbound left and right-turn lanes on NE 99<sup>th</sup> Street at the intersection of NE 152<sup>nd</sup> Avenue/NE 99<sup>th</sup> Street. This construction shall include a 75-foot long, 12-foot wide eastbound right-turn lane with a taper in accordance with the MUTCD, and related signing and striping associated with the volunteered improvement, or other mitigations approved by the county. All work shall be performed unless modified by the Public Works Director. (see Finding 12)

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b>
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	<b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within 5 years of preliminary plat approval, a Fully Complete application for Final Plat review shall be submitted. Extensions for future phases may be granted in accordance with the criteria in CCC 40.500.010(B)(2).

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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H-1 None

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,

- The appeal fee of **\$716**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Community Development Department  
1300 Franklin Street  
P.O. Box 9810**

**Vancouver, WA 98666-9810**

**Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:

Web Page at: <http://www.clark.wa.gov>

## Final Decision Attachment

**For Employee Use Only** - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*	X	
Final Wetland Plan		X
Final Habitat Plan		X

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

### Building Setbacks Established at Preliminary Plan Review

Project Name: Gustafson Subdivision

Case Number: PLD2009-00033

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

#### Setback Requirements by Lot

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Street-side Setback
1, 14, 19, 36, 37, 50, 51, 62, 67, 68, 83, 84, 89, 102, 103, 105, 109, 110,	20'	20'	5'	5'	10'
2-13, 15-18, 20-35, 38-49, 52-61, 63-66, 69-82, 85-88, 90-101, 104, 106-108, 111- 113	20'	20'	5'	5'	N/A



# HEARING EXAMINER EXHIBITS

**APPLICATION:** Gustafson Subdivision

**CASE NUMBERS:** PLD2009-00033, SEP2009-00058

**Hearing Date:** November 12, 2009



EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	6/30/09	Applicant: MSE Planning	Full Size Plans
6	6/30/09	Applicant: MSE Planning	Application Binder: Application Form, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Det, Boundary Survey, Pre Stormwater Rpt, SEPA, Sewer Utility Ltr, Water Utility Ltr, School Dist Ltr, Arch Ltr, Traffic Rpt
7	7/10/09	CC Development Services	Development Review NOT Fully Complete Determination
8	8/20/09	CC Development Services	Development Review Fully Complete Determination
9	8/20/09	CC Development Services	<b>REVISED</b> Development Review Fully Complete Determination
10	9/4/09	CC Development Services	Notice of Type III Development Review App, Optional SEPA and & Public Hearing
11	9/4/09	CC Development Services	Affidavit of Mailing Public Notice
12	9/4/09	Southwest Clean Air Agency	Agency Comments
13	9/16/09	Tim & Melody McGregor	Comment letter
14	9/21/09	Washington Department of Ecology	Agency Comments
15	9/30/09	CC Development Services	Early issues correspondence.
16	10/13/09	Applicant: MSE Planning	Water Quality Stormwater Addendum
17	10/16/09	152 <sup>nd</sup> Investors LLC, Property owners	Letter regarding off site improvements

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
18	10/21/09	CC Development Services	Notice of Public Hearing
19	10/12/09	Applicant: MSE Planning	Applicants: Affidavit of Posting Site
20	10/28/09	CC Development Services	Affidavit of Posting
21	10/28/09	CC Development Services	Staff Report written by Alan Boguslawski

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division  
1300 Franklin Street  
Vancouver, WA 98666-9810